

*[Signature]*  
PATENT  
Attorney Docket 44921-5054-02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Patricia D. Murphy**

)

Application No. **09/923,327**

)

Art Unit: **1634**

Filed: **August 8, 2001**

)

Examiner: **Carla Myers**

For: **Determining Common Functional Alleles  
In A Population And Uses Therefore**

)

U.S. Patent and Trademark Office  
Customer Window, Mail Stop AF  
Randolph Building  
Alexandria, VA 22314

**TRANSMITTAL FORM**

1. Supplemental to the Notice of Appeal filed October 21, 2004, transmitted herewith is an Amendment Under 37 C.F.R. 1.116 in response to the Final Office Action dated April 21, 2004.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Further to the Notice of Appeal and three-month extension of time filed on October 21, 2004, Applicants petition for a one-month extension of time from December 21, 2004 to January 21, 2005, the fee for a small entity which is **\$60.00** as set out in 37 C.F.R. 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

<b>CLAIMS AS AMENDED</b>						
	<b>Remaining</b>		<b>Previously Paid</b>	<b>Extra</b>	<b>Rate</b>	<b>Total Fees</b>
Total Claims	<b>29</b>	minus	<b>34</b>	<b>0</b>	\$18 each=	<b>0.00</b>
Independent Claims	<b>4</b>	minus	<b>4</b>	<b>0</b>	\$88 each=	<b>0.00</b>
First presentation of Multiple dependent claim					\$300.00	<b>0.00</b>
					<b>Sub-total =</b>	<b>0.00</b>
					<b>Reduction by ½ for filing by a small entity</b>	<b>0.00</b>
					<b>Total Fee =</b>	<b>0.00</b>

4. Fee Payment: The Commissioner is hereby authorized to charge **\$60.00** to Deposit Account No. 50-0310 for payment of the one-month extension of time fee.
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Attorney Docket 044921-5054-02

Application 10/923,327

Page 2

Dated: **January 21, 2005**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

*Robert Smyth*  
*Michael S. Tuscan*

*Feb 11 2005*

Robert Smyth  
Registration No. 50,801

*fr*